

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

NETCHOICE, LLC d/b/a NETCHOICE, §
a 501(c)(6) District of Columbia organization, §
and COMPUTER & COMMUNICATIONS §
INDUSTRY ASSOCIATION d/b/a CCIA, §
a 501(c)(6) non-stock Virginia Corporation, §
§
Plaintiffs, §
§
v. § 1:21-CV-840-RP
§
KEN PAXTON, *in his official capacity as Attorney* §
General of Texas, §
§
Defendant. §

ORDER

Before the Court is Plaintiffs NetChoice, LLC d/b/a NetChoice, a 501(c)(6) District of Columbia organization, and Computer & Communications Industry Association d/b/a CCIA, a 501(c)(6) non-stock Virginia corporation’s (“Plaintiffs”) Motion for Protective Order, (Dkt. 29), and Defendant Ken Paxton’s (“Defendant”) response in opposition, (Dkt. 34). After considering the parties’ briefs, the record, and the relevant law, the Court grants the motion.

The Court finds that Plaintiffs have shown good cause for entry of a protective order. The Court finds that Defendant has not negotiated with Plaintiffs or followed this Court’s order in good faith. In its October Order, this Court permitted expedited discovery that was narrowly-tailored and “targeted . . . to obtain precise information without burdening Plaintiffs’ members.” (Order, Dkt. 25, at 4). The Court expressed confidence that Defendant would “significantly tailor” his requests. (*Id.*). Defendant failed to do so. For example, Defendant insisted on still serving 8 out of 9 exceedingly overbroad document requests that would result in a production of millions of documents. (Mot., Dkt. 29, at 2–4); (*see* Resp., Dkt. 34, at 4–6). By failing to significantly tailor its requests, Defendant

has not followed this Court's Order and has needlessly wasted its very limited time to seek discovery in advance of its November 22, 2021 response deadline.

IT IS ORDERED that Plaintiffs' motion for protective order, (Dkt. 29), is **GRANTED**.

IT IS FURTHER ORDERED that Defendant may seek only the following expedited discovery in advance of its November 22, 2021 response deadline:

1. Depositions of Matthew Schruers (CCIA), Carl Szabo (NetChoice), Alexandra N. Veitch (YouTube), and Neil Potts (Facebook), limited to the information contained in their respective declarations, and limited to no longer than 4 hours each;
2. Depositions of Carlos Gutierrez (LGBT Technology Institute), Stacie D. Rumenap (Stop Child Predators), and Servando Esparza (Technology Network), limited to the information contained in their respective declarations, and limited to no longer than 2 hours each;
3. Requests for production of the non-privileged documents the declarants relied on when drafting their declarations; and
4. Interrogatories directed to the two Plaintiffs, as served by Defendant on October 28, 2021.

IT IS FINALLY ORDERED that the documents shall be produced by November 8, 2021, and the depositions shall occur between November 10 and 17, 2021.

The Court again stresses that it expects the parties to work together in good faith to resolve discovery disputes and to follow this Court's orders and instructions.

SIGNED on November 2, 2021.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE